

BEFORE THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

HARRY I. MOATZ,)
Director, Office of)
Enrollment and Discipline,)
v.) Proceeding No. D03-14
SOL SHEINBEIN,)
Respondent.)
_____)

ORDER

By petition dated May 22, 2005, Sol Sheinbein (“Respondent”) herein requests a stay of final decision in the above-captioned matter pending judicial appeal, should Respondent’s Request for Reconsideration be denied.

Respondent’s Request for Reconsideration has been denied. However, Respondent’s petition does not raise sufficient basis for a stay. It alleges no reason to believe Respondent would have any likelihood of success on appeal, other than his own belief that his position will prevail. Moreover, the harms alleged in the petition are no different from those that would exist as a result of any order excluding a practitioner from practice. Consequently, Respondent’s petition effectively urges that any such disciplinary order must be stayed pending judicial appeal. Such a position is contrary to the discretionary nature of the authority to stay final decisions reflected in 37 C.F.R § 10.157(b).

Therefore, the Petition for Stay of a Final Decision Under 37 C.F.R. § 10.157(b) is hereby DENIED.

On behalf of the Under Secretary of Commerce for
Intellectual Property and Director of the United
States Patent and Trademark Office

June 23, 2005
Date

/s/
James Toupin
General Counsel
United States Patent and Trademark Office

